

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**BYRON SMITH,**

**Plaintiff,**

**-against-**

**TAL DAGAN MD, P.C.,**

**Defendant.**

**21-CV-5692 (ALC)**

**DEFAULT JUDGMENT**

**ANDREW L. CARTER, JR., United States District Judge:**

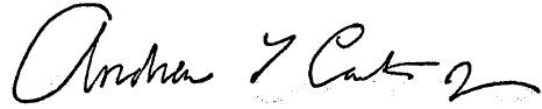
On July 1, 2021, Plaintiff Byron Smith (“Plaintiff”) filed a complaint against Defendant Tal Dagan MD, P.C. (“Defendant”) (Compl., ECF No. 1.) Plaintiff served the Complaint on August 2, 2021, making Defendant’s answer due August 23, 2021. (ECF No. 7.) To date, Defendant has not answered or otherwise responded to the Complaint.

On December 17, 2021, having obtained a clerk’s certificate of default, Plaintiff filed a Motion for Default Judgment against Defendant. (ECF No. 14.) The Court issued an Order to Show Cause on January 3, 2022, directing Defendant to show cause in writing why a default judgment for failure to move or otherwise answer the Complaint should not be entered. (ECF No. 15.) The Order warned Defendant that failure to respond could be grounds for the Court granting default judgment against Defendants. (*Id.*) Defendants did not respond to the Court’s Order.

Accordingly, having considered the Memorandum of Law and Affidavit of James H. Freeman, the Summons and Complaint previously filed in this action, and the Affidavits of Service thereof, it is hereby **ORDERED** that judgment be entered in Plaintiff’s favor against Defendant on all counts of Plaintiff’s Complaint as to liability.

**SO ORDERED.**

**Dated: March 3, 2023**  
**New York, New York**

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

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**ANDREW L. CARTER, JR.**  
**United States District Judge**